

REMARKS

This Amendment is in response to the Office Action dated June 27, 2008, in which claims 1-19 are initially rejected. Applicant respectfully requests reconsideration and allowance of all pending claims in view of the above-amendments and the following remarks.

I. CLAIM REJECTIONS UNDER §103(a)

Claims 1 and 10-15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Henriksson, U.S. Publication No. 2005/0052341, in view of Ella et al., U.S. Patent No. 6,751,470.

Claims 2 and 3 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Henriksson, U.S. Publication No. 2005/0052341, in view of Ella et al., U.S. Patent No. 6,751,470, and further in view of Shelhammer et al., U.S. Patent No. 7,039,358.

Claims 4 and 5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Henriksson, U.S. Publication No. 2005/0052341, in view of Ella et al., U.S. Patent No. 6,751,470, and further in view of King et al., European Patent No. 1026908.

Claims 6-8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Henriksson, U.S. Publication No. 2005/0052341, in view of Ella et al., in view of King et al., European Patent No. 1026908, and further in view of Connor, U.S. Publication No. 2004/0203353.

Claim 9 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Henriksson, U.S. Publication No. 2005/0052341, in view of Ella et al., and further in view of Segal, U.S. Patent No. 7,031,280.

Claim 12 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Henriksson, U.S. Publication No. 2005/0052341, in view of Ella et al., and further in view of Garcia, U.S. Publication No. 2005/0146432.

Claim 16 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Henriksson, U.S. Publication No. 2005/0052341, in view of Ella et al., and further in view of Garcia, U.S. Publication No. 2005/0146432.

Claim 17-19 are rejected 35 U.S.C. § 103(a) as being unpatentable over Henriksson, U.S. Publication No. 2005/0052341, in view of Ella et al., in view of Connor, U.S. Publication No. 2004/0203353.

II. CLAIM AMENDMENTS

With this Amendment, independent claim 1 is amended to include the limitations of dependent claim 2, and independent claim 15 is amended to include the limitations of dependent claim 16.

Thus, the rejections of dependent claims 4-5, 6-8, 9, 12 and 17-19 in view of King et al., Conner, Segal and Garcia appear to be overcome by the incorporation of claims 2 and 16 into the respective independent claims.

In addition, claims 1 and 15 are amended to recite that the second predetermined standard “comprises a walkie-talkie standard.”

III. PATENTABILITY OF AMENDED CLAIMS 1 AND 15

The Examiner’s position is that claims 1 and 10 to 15 are not inventive as being unpatentable over HENRIKSSON (U.S. Patent No. 2005/0052341) in view of ELLA (U.S. Patent No. 6,751,470). Furthermore, the Examiner considers that claim 2 is not inventive as being unpatentable over HENRIKSSON (U.S. Publication No. 2005/0052341) in view of ELLA (U.S. Patent No. 6,751,470) and SHELLHAMMER (U.S. Patent No. 7,039,358).

As acknowledged by the Examiner on page 5 of the Office Action, combining HENRIKSSON and ELLA does not teach wherein the second means for implementing communications use the same frequency band for transmission and reception (i.e. claim 2).

However, the Examiner states that SHELLHAMMER would teach such means for implementing communications. Consequently, he considers that it would have been obvious for one of the ordinary skill in the art at the time the invention was made to modify HENRIKSSON's radiocommunications device to incorporate the overlapping between frequency bands of a first and a second standard as taught by ELLA and the means for implementing communications as taught by SHELLHAMMER, in order to implement, in a radiocommunications device, a second communication mode (e.g., walkie-talkie mode) in which the transmission and reception occur on the same frequency band.

A. Claims 1 and 15

The invention of amended claims 1 and 15 is aiming to provide a second communication mode according to a walkie-talkie standard in which the same frequency band is used for transmission and reception (cf. p. 8, l. 10-12 of the patent application discussed: "Therefore the band 35 can easily be used for transmission and reception (in walkie-talkie or "push-to-talk" mode, the transmission and reception occur on the same frequency band)"). Thus, the invention of amended claims 1 and 15 is aiming to provide a second communication mode for implementing, for example, simplex communications (i.e., walkie-talkie type communication: communication in only one direction) (cf. p. 2, l. 3-4 and p. 6, l. 8-10 of the patent application discussed).

B. Shallhammer

SHELLHAMMER describes a method for operating a mobile unit arranged to communicate using first and second data communication protocols operating in the same frequency band (cf. col. 4, l. 63-65 of SHELLHAMMER document).

SHELLHAMMER's technique foresees to implement only full-duplex communications (communication in both directions and simultaneously). Indeed, SHELLHAMMER's technique foresees to use wireless data communication protocol such as 802.11 and Bluetooth (cf. col.5, l.10-18 of SHELLHAMMER document). It is therefore not the purpose of SHELLHAMMER's technique to use a communication

mode, in which the same frequency band is used for transmission and reception, for implementing simplex communications.

The Examiner will agree that the combination of HENRIKSSON, NOKIA and SHELLHAMMER documents is not relevant to claim 2, as incorporated into claim 1.

Regarding all the aforementioned arguments, it appears that the amended claim 1 is novel and involves an inventive step. Since claim 15 is amended to include similar limitations from dependent claim 16, claim 15 is also novel and involves an inventive step.

C. Claim 16

Claim 16 is incorporated into claim 15.

In contrast to the position taken for claim 1, the Examiner considers that HENRIKSSON teaches, “wherein the shared digital processor uses the same frequency band for transmission and reception to implement communications according to the second predetermined standard.” (Citing Para. [0041]).

On page 5 of the Office Action, regarding claim 2, the Examiner states that “the combination of HENRIKSSON and ELLA fail[s] to teach the radiocommunications device, wherein said second communications implementation means use the same frequency band for transmission and reception.”

HENRIKSSON teaches that a wireless device can operate in multiple frequency bands, such as 824-894 MHz and 880-960 MHz. But HENRIKSSON does not disclose a shared digital processor that uses the same frequency band for transmission and reception to implement communications according to the second predetermined standard, as recited in claim 16 (now incorporated into claim 15).

The Office Action does not suggest GARCIA discloses this missing element.

Thus claim 15 is in condition for allowance.

With the above amendments, claims 1, 2-15 and 17-19 are believed to be in condition for allowance.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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